



Minutes Formal City Council Meeting March 22, 2012

Minutes of the Formal Council Meeting of Thursday, March 22, 2012, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Tempe City Hall, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Councilmember Robin Arredondo-Savage
Councilmember Mark W. Mitchell
Councilmember Corey D. Woods

Vice Mayor Joel Navarro
Councilmember Shana Ellis
Councilmember Onnie Shekerjian

STAFF PRESENT:

Charlie Meyer, City Manager
Andrew Ching, City Attorney
Various Department Heads or their representatives

Jeff Kulaga, Assistant City Manager
Brigitta M. Kuiper, City Clerk

Mayor Hallman called the meeting to order at 7:53 p.m.

1. Councilmember Shekerjian gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. MINUTES

Motion by Councilmember Mitchell to approve the following COUNCIL MEETING and COUNCIL COMMITTEE MEETING MINUTES (A. 1-2) and accept the following COMMITTEE, BOARD, and COMMISSION MEETING MINUTES (B. 1-3); second by Councilmember Arredondo-Savage. Motion passed unanimously on a voice vote 7-0.

A. Approval of Council Meeting and Council Committee Meeting Minutes

1. Formal Council Meeting - March 8, 2012
2. Ad Hoc Council Committee Governance - January 5, 2012

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. Hearing Officer - February 21, 2012
2. Aviation Commission - February 14, 2012
3. Mayor's Youth Advisory Commission - February 21, 2012

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. *Ken McDonald Golf Course – New Times Best of Phoenix 2011 Award*

Mayor Hallman announced that the Phoenix New Times has selected Tempe's Ken McDonald Golf Course for the Best Winter Golf Course award. Oliver Ncube, Parks Manager, and Jerry Judkins, Senior

Recreation Coordinator, were invited to the podium to receive this award.

2. *Mayor's Run*

Mayor Hallman announced that the 2012 Mayor's Run event raised more than \$257,000 to support youth, education and social services in the community. Nineteen organizations will benefit. Donors were recognized for their contributions.

3. *Spring 2012 Board and Commission Recruitment*

Mayor Hallman announced that there are 27 vacancies on 14 boards and commissions needing to be filled. Applications are being accepted by the City Clerk's Office through the close of business on Friday, April 6, 2012.

B. Manager's Announcements – None.

5. **AGENDA**

All items in these minutes identified with an asterisk (*) **are public hearing items**. All items listed on the agenda are approved with one City Council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA** items.

Motion by Councilmember Arredondo-Savage to approve the Agenda with the exception of item 5D1, which was removed for separate consideration; second by Councilmember Ellis. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- A1. Approved the February 2012 Report of Claims Paid to be filed for audit.

COMMENTS

This report is a compilation of all payments made through the City's accounts payable system during February 2012 that will be subject to audit by the City's external auditors.

DOCUMENT NAME

20120322fsnw01 ACCOUNTS PAYABLE (0208-01)

- A2. Approved a Final Subdivision Plat for THE DISTRICT ON APACHE, II located at 941 East Apache Boulevard.

COMMENTS

Request for THE DISTRICT ON APACHE, II (PL110169) (Nick Anderson, Tempe Student Housing Development LLC, property owner; Nick Wood, Esq., Snell & Wilmer LLP, applicant) located at 941 East Apache Boulevard in the MU-4 (PAD, TOD) and R-5 (PAD, TOD), Mixed-Use High Density District and Multi-Family Residential High Density District with a Planned Area Development Overlay and within the Transportation Overlay District. The request includes the following:

SBD12001 – Final Subdivision Plat to consolidate two (2) lots into one (1) lot on +/-5.2515 net acres.

DOCUMENT NAME

20120322cdkko01 PLANNED DEVELOPMENT (0406)

The following conditions of approval apply:

1. The Subdivision Plat for The District on Apache, II for the +/-5.2515 net acre property including the

consolidation of two lots into one shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe Community Development Department on or before March 22, 2013 or prior to issuance of building permit, whichever comes first. Failure to record the plat on or before March 22, 2013, which is one (1) year from the date of City Council approval, shall make the City Council approval of the plat null and void.

2. All property corners shall be set and verified by Registered Land Surveyor. Submit completed and sealed Notice of Verification to Public Works /Land Services Division staff no later than three (3) months from the date of County recordation or as determined by staff.

- *A3. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for BIET Inc., dba Babbo Italian Eatery, 9920 South Rural Road, #105.

COMMENTS	Kenneth Bruce Pollack is the Agent for this application.
DOCUMENT NAME	20120322fsap01 202626 LIQ LIC (0210-02)

- *A4. Held a public hearing and recommended the approval of an acquisition of control of a Series 12 restaurant liquor license for Serrano's Mexican Restaurant, LLC, dba Serrano's Mexican Food, 6440 South Rural Road

COMMENTS	Stephen Richard Serrano is the Agent for this application.
DOCUMENT NAME	20120322fsap02 51973 LIQ LIC (0210-02)

- *A5. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for La Fonda Mexican Restaurant, LLC, dba La Fonda Mexican Restaurant and Cantina, 1831 East Baseline Road.

COMMENTS	Ray Carbajal Pedraza is the Agent for this application.
DOCUMENT NAME	20120322fsap03 202460 LIQ LIC (0210-02)

B. Award of Bids/Contracts

- B1. Awarded a two-year sole source contract with three, one-year renewal options to Physio-Control, Inc. for the supply of LIFEPAK heart monitors/defibrillators and supplies to the Fire Department.

COMMENTS	Total cost of this contract will not exceed \$104,800 during the two-year contract period.
DOCUMENT NAME	20120322fslg01 PURCHASES (1004-01)

- B2. Awarded job order no. 3 to Nesbitt Contracting Co., Inc. for resurfacing Elliot Road between Hardy Drive and Kyrene Road.

COMMENTS	Total amount of job order no. 3 is \$299,726.71 and the project contingency amount is \$15,000.
DOCUMENT NAME	20120322pwdr03 ENGINEERING ADMINISTRATION (0803-02) PROJECT NO. 5404871

- B3. Awarded a professional services contract with Gannett Fleming, Inc. for design of the Tempe Town Lake downstream dam replacement. **(Contract #2012-36)**

COMMENTS	Total cost for the design services contract is \$2,507,741.
DOCUMENT NAME	20120322pwwr02 RIO SALADO MASTER PLAN – TEMPE TOWN LAKE (0112-07-03) PROJECT NO. 6504221

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action

- *C1. Introduced and held the first public hearing to adopt an ordinance abandoning a waterline easement south of Apache Boulevard, between Rural Road and Terrace Rd. The second public hearing was scheduled for April 12, 2012.

COMMENTS	The District Apartment project is being constructed at 941 E Apache Blvd. A Waterline easement was dedicated for water and fire line service for the future relocation of the Baers Den bar and restaurant. The site has gone through a redesign and the location of the waterline has been changed. A new easement will be dedicated by the developer to provide access to public waterlines which will be constructed for the project.
DOCUMENT NAME	20120322pwko04 ABANDONMENT (0901) ORDINANCE NO. 2012.15

- *C2. Introduced and held the first public hearing to adopt an ordinance to authorize the Mayor to execute a development and disposition agreement with Core Campus Tempe I LLC, a Delaware limited liability company ("Core Campus Communities") with regard to The Hub student housing development located at 323 East Veterans Way. The second Public hearing was scheduled for April 12, 2012.

COMMENTS	The Development Agreement authorizes a six-year Government Property Lease and abatement of the GPLET during the term of the lease. In addition, the Development Agreement provides for the sale to Core Campus Communities of a triangular-shaped parcel (ROW Parcel) located at the Southeast corner of College Avenue and Veterans Way. Public Works has determined that the ROW Parcel is no longer needed due to a change in the alignment of the light-rail that occurred after the property was dedicated to City.
DOCUMENT NAME	20120322cdaws01 DEVELOPMENT PROJECT (0406) ORDINANCE NO. 2012.17

- *C3. Introduced and held the first public hearing to adopt an ordinance for the sale of City of Tempe property located at 508 West Brown. The second and final public hearing was scheduled for April 12, 2012.

COMMENTS	Staff has concluded negotiation with the high bidder, Mr. Tom Garretson, for the execution of a purchase and sale agreement for the property at a price of \$121,200.00, less closing costs. The property is a single family home previously utilized as a day care facility and no longer needed in that capacity.
DOCUMENT NAME	20120322cdtj01 REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2012.18

- *C4. Introduced and held the first public hearing to adopt an ordinance amending Chapter 27, Article I, Tempe City Code, relating to Sewers - Pretreatment, by amending section 27-22, relating to Additional Pretreatment Measures. The second and final public hearing was scheduled for April 12, 2012.

COMMENTS

This ordinance will amend the City Code provision that allows the establishment of enforceable requirements for the installation and maintenance of grease traps and other pretreatment infrastructure for non-residential users of Tempe's sanitary sewer system. The amendment will (i) clarify that the requirements will be implemented by rules and procedures approved by Council resolution; and (ii) allow for development of rules to be submitted to Council that may include new programs that would enhance protection of City infrastructure from fats, oils and grease generated by the restaurant industry.

DOCUMENT NAME

20120322DM01 WASTEWATER MANAGEMENT ADMIN (0812-01)
ORDINANCE NO. 2012.19

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION. SEE BELOW FOR DISCUSSION AND ACTION.** Second and final public hearing to adopt a resolution authorizing the Mayor to execute a General Plan Amendment and to adopt an ordinance for a Zoning Map Amendment and Planned Area Development Overlay for 8TH & RURAL located at 855 South Rural Road.

- *D2. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.09**, a Zoning Map Amendment for 1407 E MCKELLIPS, located at 1407 E. McKellips Road.

COMMENTS

Request for 1407 E MCKELLIPS (PL110395) (Mike Anton, property owner; Alan Beaudoin, LVA Urban Design Studio, LLC, applicant) consisting of a new two-story, +/-4,200 sf. office building with a storage/staging yard, parking and landscape on a +/-0.74 acre site located at 1407 E. McKellips Road in the R-3 Multi-Family District. The request includes the following:
ZON11009 – (Ordinance No. 2012.09) Zoning Map Amendment from R-3, Multi-Family Residential Limited District to GID, General Industrial District.

DOCUMENT NAME

20120322cddk01 PLANNED DEVELOPMENT (0406) ORDINANCE
NO. 2012.09

The following conditions of approval apply:

1. McKellips Road is City of Scottsdale Right of Way, all street, driveway and sidewalk elements must be approved by the City of Scottsdale. At the time of development, provide a letter from Scottsdale showing all requirements have been or will be met.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than April 23rd, 2012, or the *Zone Map Amendment* approval shall be null and void.

- *D3. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.13** abandoning a public waterline easement south of Veteran's Way, east of College Ave.

COMMENTS The existing waterline easement is being abandoned to accommodate construction of the new development at the southeast corner of College Avenue and Veteran's Way. A new easement will be dedicated with the construction of development to accommodate installation of new waterline facilities.

DOCUMENT NAME 20120322pwko08 ABANDONMENT (0901) ORDINANCE NO. 2012.13

- *D4. Held the second and final public hearing and adopted **ORDINANCE NO. 2012.14** amending Section 25-125 of the Tempe City Code relating to Planning and Development, requirements for placement of overhead utilities underground.

COMMENTS The amendment clarifies the authority given to Council to consider and approve alternate plans that provide greater public benefits than strict application of the requirements by deleting the reference to alternate plans for undergrounding.

DOCUMENT NAME 20120322cdmm01 TCC CH 25 – PLANNING AND DEVELOPMENT (0503 25) ORDINANCE NO. 2012.14

E. Resolutions

- E1. Adopted **RESOLUTION NO. 2012.31** to enter into an Intergovernmental Agreement with the City of Phoenix, and its Police Department, for governing the participating agency's use of the Police Automated Computer Entry (PACE) System. (**Contract #2012-34**)

COMMENTS N/A

DOCUMENT NAME 20120322pdmk01 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.31

- E2. Adopted **RESOLUTION NO. 2012.34** accepting grant funding from the Governor's Office of Highway Safety for the Buckle Up Arizona Enforcement Campaign. (**Contract #2012-35**)

COMMENTS The award amount is \$10,000.

DOCUMENT NAME 20120322pdmk02 POLICE DEPT ADMIN (0606-02) RESOLUTION NO. 2012.34

- E3. Adopted **RESOLUTION NO. 2012.36** declaring the official canvass (results) of the March 13, 2012 Primary Election.

COMMENTS State law requires the City Council to meet and canvass the election results not less than six days nor more than twenty days following the election.

DOCUMENT NAME 20120322ccbk PRIMARY/GENEERAL ELECTIONS (0506-33-01) RESOLUTION NO. 2012.36

AGENDA ITEM(S) REMOVED FOR SEPARATE CONSIDERATION:

- *D1. Held the second and final public hearing and adopted **RESOLUTION NO. 2012.18** authorizing the Mayor to execute a General Plan Amendment and adopted **ORDINANCE NO. 2012.07**, a Zoning Map Amendment and Planned Area Development Overlay for 8TH & RURAL located at 855 South Rural Road.

COMMENTS

Request for 8TH & RURAL (PL110371) (529 Tempe LLC, City of Tempe, Arizona Board of Regents and Salt River Project, property owners; Charles Huellmantel, Huellmantel & Affiliates, applicant) consisting of a new mixed-use residential development consisting of two phases, which includes two 21-story buildings with urban retail uses on the ground floor, totaling up to 465,695 sf. in building area on approximately 2.09 acres, located at 855 South Rural Road. The request includes the following:

GEP11005 (Resolution No. 2012.18) – General Plan Projected Land Use Map Amendment from “Commercial” to “Mixed Use” on 2.64 acres.

ZON11007 (Ordinance No. 2012.07) – Zoning Map Amendment from CSS, Commercial Shopping and Services District, R-4, Multi-Family Residential General District, and R/O, Residential/Office District to MU-4, Mixed-Use High Density District on 2.64 acres.

PAD11015 (Ordinance No. 2012.07) – Planned Area Development Overlay to establish development standards for 483 dwelling units; a maximum building height of 250'-0"; and reduce the minimum required vehicle parking from 855 to 571 spaces on 2.64 acres.

DOCUMENT NAME

20120322cdrl01 PLANNED DEVELOPMENT (0406)
(RESOLUTION NO. 2012.18) (ORDINANCE NO. 2012.07)

The following conditions of approval apply:

1. A building permit application shall be made on or before March 22, 2016, or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owners of 529 Tempe LLC and a representative from Arizona State University for the Arizona Board of Regents shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waives any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 calendar days after the decision date (March 22, 2012), or the Planned Area Development Overlay, Zone Map Amendment and General Plan Map Amendment approval shall become null and void.
3. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
4. The owner(s) of the property shall, prior to a development plan review application, complete, execute and provide to the city a signed "owner's authorization form".

Motion by Councilmember Woods to approve agenda item 5D1; second by Vice Mayor Navarro. Motion passed on a roll call vote 6-0-1 with Councilmember Ellis declaring a conflict of interest.

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Mitchell

- Congratulations to Councilmember Woods and Vice Mayor Navarro for winning a Council seat in the Primary Election

Councilmember Arredondo-Savage

- Congratulations to Councilmember Woods and Vice Mayor Navarro for winning a Council seat in the Primary Election

Councilmember Shekerjian

- Congratulations to Councilmember Woods and Vice Mayor Navarro for winning a Council seat in the Primary Election

Mayor Hallman

- Congratulations to Councilmember Woods and Vice Mayor Navarro for winning a Council seat in the Primary Election
- There is a run-off election in May

7. PUBLIC APPEARANCES

A. Scheduled – None.

B. Unscheduled – None.

The meeting adjourned at 8:15 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of March 22, 2012, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk